

FELIX GARCIA

FEBRUARY 25, 1958.—Committed to the Committee of the Whole House and ordered to be printed

Mr. BURDICK, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 9991]

The Committee on the Judiciary, to whom was referred the bill (H. R. 9991) for the relief of Felix Garcia, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

This proposed legislation was submitted to the Speaker of the House of Representatives and referred to this committee for consideration. Therefore, after a careful review of the bill and executive communication from the Department of the Army your committee recommends favorable consideration be given the bill. The communication is as follows:

DEPARTMENT OF THE ARMY,
Washington, D. C., October 9, 1957.

Hon. SAM RAYBURN,
Speaker of the House of Representatives.

DEAR MR. SPEAKER: There is forwarded herewith a draft of legislation for the relief of Felix Garcia.

The submission of this legislation is in accordance with procedures approved by the Secretary of Defense. The Bureau of the Budget has advised that it has no objection to the submission of this proposal for the consideration of the Congress, and the Department of the Army recommends its enactment.

On April 21, 1941, a station wagon of the Corps of Engineers, United States Army, operated by a civilian employee of the Government on official business, was traveling in a westerly direction along the road from Borinquen Field to San Juan, P. R., at a speed estimated at between 25 and 30 miles per hour. The road was narrow and wet and slippery from recent rain. A Mack truck owned by Felix Garcia and operated by one Marciano Valle, carrying a load

of sugarcane and two passengers, was proceeding along the same road in the opposite direction, at a speed estimated between 5 and 10 miles per hour. As the Army vehicle reached the crest of a hill, the driver observed the truck coming up the hill, and applied his brakes in order to reduce his speed before passing the truck. The station wagon skidded to the left side of the road and struck the left front portion of the truck, breaking the steering gear and brake hose of the truck and causing it to roll backward down the hill and turn over in a ditch.

On December 18, 1941, Mr. Garcia filed a claim with the War Department (now Department of the Army) in the amount of \$404.65 for damages allegedly sustained by him as a result of this incident. On January 18, 1943, the Under Secretary of War acting for the Secretary of War, determined that the damage to Mr. Garcia's truck amounted to \$204.65. (The claim for \$200 for loss of use of the truck was denied as not substantiated by the evidence.) The claim was approved for \$204.65 and transmitted to Congress under the provisions of the act of December 28, 1922 (42 Stat. 1066), for an appropriation for the relief of the claimant in that amount, provided that he agreed to accept such sum in full satisfaction and final settlement of his claim. The claimant signed an acceptance agreement in the sum of \$204.65, but before the agreement was received by the War Department, the act of December 28, 1922, supra, under which the claim had been approved, was made inapplicable to the War Department by the act of July 3, 1943 (57 Stat. 372). The latter act covers only claims arising on or after May 27, 1941, and is therefore not applicable to this case. There is no other statute available to the Department of the Army, under which this claim may be paid. The Department of the Army has determined that this claim is meritorious in the sum of \$204.65.

A similar bill to provide for the relief of Mr. Garcia and others was introduced as H. R. 7368, 82d Congress. This bill passed the House of Representatives on July 4, 1952 (H. Rept. No. 2400, 82d Cong., 2d sess. (1952)). No action was taken by the Senate on the bill.

The cost of this bill, if enacted, will be \$204.65.

Sincerely yours,

WILBER M. BRUCKER,
Secretary of the Army.